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PATENT
Customer No. 22,852
Attorney Docket No. 03419.0023-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Satoshi SAITO et al.) Group Art Unit: 1625
)
Application No.: 10/507,129) Examiner: Not Assigned
)
Filed: April 11, 2005)
)
For: METHOD OF CONTROLLING)
ETHANOL PRODUCTION AND)
MASS PRODUCTION OF LACTIC)
ACID AND TRANSFORMANT)
THEREFOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents on the attached listing. To the best of undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Further, each document listed in this Information Disclosure Statement was first cited in a communication from a foreign Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute prior art under United States law, applicant reserves the right to present to the Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

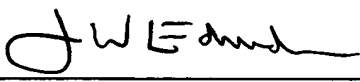
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

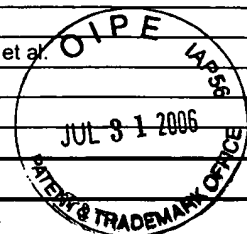
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 31, 2006

By: 
James W. Edmondson
Reg. No. 33,871

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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO <div style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div style="text-align: center; font-size: small;">(Use as many sheets as necessary)</div> | | | Complete if Known | | |
| | | | <i>Application Number</i> | 10/507,129 | |
| | | | <i>Filing Date</i> | April 11, 2005 | |
| | | | <i>First Named Inventor</i> | Satoshi SAITO et al. | |
| | | | <i>Art Unit</i> | 1625 | |
| | | | <i>Examiner Name</i> | Not Assigned | |
| | | | <i>Attorney Docket Number</i> | 03419.0023 | |
| Sheet | 1 | of | 2 | | |



| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
|---|--------------------------|--|--|--|---|
| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | PCT WO 99/14335 | 03/25/99 | Porro | | |
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| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|---|--------------------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | Porro, Danilo, et al., "Replacement of a Metabolic Pathway for Large-Scale Production of Lactic Acid from Engineered Yeasts," <i>Applied Environ. Microbiol.</i> , Vol. 65, No. 9 (September 1999), pp. 4211-4215 | |
| | | Bianchi, M. M., et al., "Efficient Homolactic Fermentation by <i>Kluyveromyces lactis</i> Strains Defective in Pyruvate Utilization and Transformed with the Heterologous LDH Gene," <i>Applied Environ. Microbiol.</i> , Vol. 67, No. 12 (December 2001) pp. 5621-5625 | |
| | | Supplementary European Search Report dated May 8, 2006 | |
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| Examiner Signature | | Date Considered | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.